

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRANDON TIMMONS,
Plaintiff

v.

H. KERTES, et al.,
Defendants

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No. 1:21-cv-2157

(Judge Kane)

ORDER

AND NOW, on this 10th day of February 2023, in accordance with the
Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 20) Plaintiff's second amended complaint is **GRANTED**;
2. Plaintiff's claims against all Defendants other than Bohinski and John Doe are **DISMISSED WITHOUT PREJUDICE** and those Defendants are dropped from this case;
3. The Clerk of Court is directed to terminate all Defendants other than Bohinski and the first listed John Doe Defendant from the docket of this case;
4. Plaintiff's claims against Defendants Bohinski and John Doe are **DISMISSED WITHOUT PREJUDICE**;
5. Plaintiff may file a third amended complaint within thirty (30) days of the date of this Order with respect to his claims against Defendants Bohinski and John Doe only. If Plaintiff elects to file a third amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the third amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the first three complaints or any other documents already filed. The third amended complaint should set forth Plaintiff's claims in short, concise, and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The third amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims;

6. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
7. If Plaintiff fails to file a third amended complaint within thirty (30) days of the date hereof, this case will be dismissed without prejudice for the reasons stated in the accompanying Memorandum.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania